



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

Introduction

The landlord applies for an order of possession pursuant to a ten day Notice to End Tenancy for unpaid rent and utilities and for a monetary award for unpaid rent and utilities and for loss of rental income.

The tenant does not dispute that she has not paid the amounts demanded, but says that the rental unit is suffering from a squirrel and rat problem.

Section 26 of the *Residential Tenancy Act* makes it clear that a tenant may not withhold rent even when a landlord is not meeting her end of the tenancy agreement bargain. The tenant was informed she may make her own application for compensation.

The tenant did not pay the amount demanded in the ten day Notice nor apply to cancel it. As a result, by operation of s. 46 of the Act, this tenancy ended on July 3, 2013 and the landlord is entitled to an order of possession. She has requested a possession date for the end of August and that is what the order of possession will provide.

I grant the landlord a monetary award of \$144.55 for unpaid utilities, \$565.00 unpaid June rent and \$1375.00 for unpaid July rent. The landlord does not claim a filing fee. I authorize the landlord to retain the \$687.50 security deposit in reduction of the amount awarded and I grant the landlord a monetary order against the tenant for the remainder of \$1397.05

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: August 09, 2013

Residential Tenancy Branch

